

## MANY WITNESSES CALLED BY STATE

Prosecution Introduces Corroborative Evidence in Case Against Jim Donaldson.

LOOFBOUROW ENDS TODAY  
DEFENSE WILL BEGIN OPENING ARGUMENT THIS MORNING.

Corroborative evidence tending to strengthen the weak spots in the state's case against "Jim" Donaldson was introduced by the prosecution. At the close of the session yesterday afternoon District Attorney Loofbourow announced that the state had but one other witness to testify in its behalf and that his testimony would take only a short time this morning. The name of this witness Mr. Loofbourow declined to give out.

Following the close of the state's case this morning the defense will move for a dismissal of the action on the grounds that neither the grand jury nor the robbery charge has been shown. The contention is that Donaldson was merely guilty of gambling and that he took no part in the robbery. The state's position is that a conspiracy has been shown and that Donaldson was a co-conspirator and therefore a principal in the crime.

### The Line of Defense.

Should the court deny the motion of the defense the case will proceed. Attorney Samuel King said he did not care to say just what line would be pursued by the defense in presenting its case. It is understood that Donaldson will maintain that he was in the game at the Antler rooming house, not as a result of any collusion with the O'Briens, but in order to find out where gambling was being conducted and by whom.

The prosecution scored a point yesterday in securing the admission of evidence as to what transpired following the game in the rooming house. This was originally ruled out on the grounds that it was not competent. The court held at this time that a sufficient foundation had been laid for the introduction of such testimony. As to what happened prior to the game, the court adhered to its original ruling and refused to allow such testimony to go in. Alexander and William McWhirter were called and testified as to their experience with Bell, following the robbery.

When court opened yesterday morning, Parrent was on the stand under cross-examination by Attorney Sam King. The attorney for the defense secured an admission from the witness that Donaldson had not given any money out of the transaction. As to what happened prior to the game, the court adhered to its original ruling and refused to allow such testimony to go in. Alexander and William McWhirter were called and testified as to their experience with Bell, following the robbery.

Parrent was then examined closely as to his relations with the county prosecutors. He said that he was arrested in February and had been in custody ever since, with the exception of two weeks when he was allowed to go to Chicago. When asked why he had never been given a preliminary hearing on the charges against him Parrent replied that he did not know.

### Expected No Consideration.

"In consideration for your testimony you are expecting your liberty?" asked Mr. King. "I have made no such arrangement," replied the witness. "Then you are relying on the mercy of the pleasure of the prosecuting officers?"

"I am relying solely on the advice of my counsel." "You mean Judge Hilton, whom you brought here from Denver and who afterwards acted as special prosecutor in the Sheets case?"

"Yes, sir." "You have been engaged in this business of extracting money from men in three-fourths of the states in the union?"

"I wouldn't make it quite that wide a scope." "You have been arrested several times, haven't you?"

"Yes, sir." "You were arrested in Kansas City, Denver and Dallas, Texas?"

"That is right." "Had Read the Evidence."

"Have you been furnished a transcript of the evidence of the McWhiters in the Sheets case?"

"I have." "And a copy of your own evidence in the Sheets hearing?"

"Yes, sir." "And from those transcripts you get what you are attempting to tell the court here?"

"No, sir; I think I will remember all of the details of the case a long time after." "On redirect examination he swore that he knew the O'Briens about ten or fifteen days prior to going up to the room in the Antler. He was asked more in detail about 'stud' poker. He said he had played it in San Francisco and Pacific coast states, but had never heard the same called 'hokey-pokey'."

He said that among confidence men the hand such as he saw in front of Donaldson was known as the "big mitt," and was usually dealt from a stacked deck of cards. Later in the examination he said it was a "single mitt" hand.

Walter M. Heath, a postman living at 54 South Eighth East street, was next called by the state. He swore that on the afternoon of September 19 he saw three men near the Market street entrance to the federal building. Alexander McWhirter, Bell and Parrent were called in and the postman identified them as the

## TO LIE UNDER ANOTHER MAN'S KEG AND TURN ON SPIGOT IS NOT LARCENY

If a man willfully and feloniously takes, abstracts or converts to his own use one gallon of beer, that is larceny. But if the same man allows an unknown quantity of the same kind of beverage to trickle slowly down his throat from a friendly beer keg, that is drunkenness.

This was the sage ruling of Judge Diehl yesterday after wrestling with the legal problem of "How much beer did Jack Lee drink?" That Jack drank a sufficient quantity to make his ideas of things vague for twenty-four hours was certain, but it was uncertain just how much beer it took for Mr. Lee to reach the state of forgetfulness, so he was given the benefit of the doubt by the court.

Lee was arrested Saturday while reclining in a restful posture under a beer keg. The plug had been removed, and Lee was allowing the clear amber liquid drip into his untanned face. Yesterday Lee, the irate owner of the beer that was and Judge Diehl held an interesting session at the police court to determine what punishment should be meted out to the offender.

Lee should be punished for larceny, declared the police court, but the beer, much good money had been wasted, by Lee's method of quenching his thirst, and the court decided to determine the rest of the beer had run out.

"How much beer did he take?" asked Judge Diehl.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

The owner was not positive.

"Enough to make him drunk," he volunteered.

"How much did you drink?" Lee was asked.

A wan smile flittered across the face of Lee as he tried to bring himself into a dignified posture. It was a sad attempt, because he apparently still retained sufficient hang-over to render him unfit for duty, as it is termed at Fort Douglas.

How much does it take to get you drunk?" Lee was asked in an effort to solve the problem of how much beer he had taken.

Again the smile was the only answer. Lee's capacity is said to be unknown except to himself. It was suggested that bartenders who have seen Mr. Lee in the past be called to testify regarding the "carrying" powers, but the court decided that course would open many side issues. Experts would have to be called to prove just what kind of a "jag" Lee had managed to collect from the keg, and then compare that with the number of glasses required to reach the same happy state when legitimately passed over a mahogany bar. This in turn would have to be reduced to the proper fraction of a keg.

In a final effort, the owner of the beer offered to produce the keg in question, but Judge Diehl, with Solomon-like wisdom, ended the case for all time.

"Ten dollars for drunkenness," he said. Lee was led away with the smile still on his face. He was not thinking of the fine, but probably of the joys of reclining under an open beer keg—before the police arrive.

## WEATHER BUSINESS IS ALL HOT AIR; HIGH MARK FOR YEAR IN SALT LAKE

The weather man yesterday gave Salt Lake the hottest day of the year. It was 88 degrees, or two degrees better than the previous record of the year. Salt Lake was not the only place that felt the heat in the hot air yesterday. Practically the entire country is enjoying the spell of warm weather and in nearly every section the sign is being worked overtime.

At Phoenix, Arizona, the highest mark of the year had been recorded in Salt Lake. Dr. Hyatt scanned the charts and maps and then said that he could see no change in sight and that although there will be no immediate jump of the mercury, 88 will not stand as the hottest day for very long. Phoenix, however, is not the warmest spot on the map. Yesterday each

men he saw on that day. As he entered the postoffice Alexander McWhirter indicated Bell and asked the postman if he was connected with the police force. The mail carrier replied that he did not know. McWhirter then said that he had \$10.00 of his money. Later Heath saw Bell and McWhirter going to the police station and followed them until they reached that place.

### \$1,900 Bills Galore.

William J. Casey, cashier of the Salt Lake Turf exchange, told of changing a \$1,000 bill for Jim Donaldson some time about a year ago, but would not attempt to fix the date. William F. "Dutch" Rodick, formerly night manager of the Vienna restaurant, told of the \$1,000 note in the hands of Donaldson. He said that the defendant came into the Vienna cafe early one morning and showed him a \$1,000 bill, while there displayed a \$1,000 bill, saying that he had won it playing poker, asking what he thought of anyone who would carry \$1,000 about on their person. He said he saw Jim Donaldson a week later, in Denver, but the introduction of any conversation was cut off by the defense.

W. J. Cardwell, clerk in the LeRoy cigar store at 21 West Second South, and Fred Anstee, one of the proprietors of the Sun drug store, testified to seeing Bell and McWhirter together on the afternoon of Sept. 19. They said that McWhirter had asked them if Bell was a policeman. Anstee got mixed up as to the name of McWhirter had told him he had been robbed of, Anstee first said it was \$10.00, then changed it to \$8.00 and finally said it was one or the other.

Mrs. Mattie Ventress, proprietress of the West Temple store, testified that she and Bell went into this hotel on the evening of Sept. 19 and used the telephone. Alexander McWhirter was then recalled by the state. Attorney General Breeden then succeeded District Attorney Loofbourow in the examination of the witness.

The major had considerable trouble in getting started, as Attorney King seemed to be interrupting and hindering him with objections.

### Breeden Has a Hard Time.

"Where are you from?" began the major.

"I object," and Mr. King was on his feet in an instant, "on the grounds that it is incompetent, irrelevant and immaterial and not proper redirect examination."

"Sustained," said the court. "Kindly confine yourself, major, to something that has not already been gone over."

"You arrived in Salt Lake on Sept. 18?" asked the major.

"I object to that as leading," interposed the counsel.

"Objection sustained," said the court. "But, your honor—"

"I ruled on the objection, Mr. Breeden, but the witness is not to be put to point you care to bring out, but don't go into what has already been gone over."

He was endeavoring to bring out the conversation the McWhiters had with Larry O'Brien the afternoon prior to the robbery. This line of testimony was objected to by the defense, and the court ruled that it was not competent evidence.

"But he heard," said Mr. Breeden, who was in collusion with this defendant, insisted Major Breeden.

"The object of the examination of the counsel as misconduct," protested Mr. King.

"Yes, such statements must not be made," said Judge Armstrong, "but your contention is that this evidence will show the meeting between the witness and Larry O'Brien and not a meeting of this defendant and the witness. I will sustain the objection of the defense."

The attorney general then turned his attention to getting in testimony relative to what happened following the robbery and in this was more successful. Alexander detailed his experience with Bell and told how he was finally taken to the police station and there was given back \$1,000 by Bell.

William McWhirter, just from the bakery with his working clothes on, corroborated this portion of his brother's story.

### Jim a Scotchman, Too.

Mrs. Mary King, sister of "Jim" Donaldson, created some amusement by bringing out the fact that "Jim" Donaldson was born in Scotland. It was not generally known that the McWhiters were accusing a countryman of deceiving them. She also testified to the fact that "Jim" Donaldson and three other gentlemen whom she did not know ate dinner at her house on the night of Sept. 19. Her evidence was corroborated by that of her daughter, Grace King.

People are insisting on a "sane Fourth of July." That's right. Go to a sane place, then. Go to Wandamere. Great fireworks display.

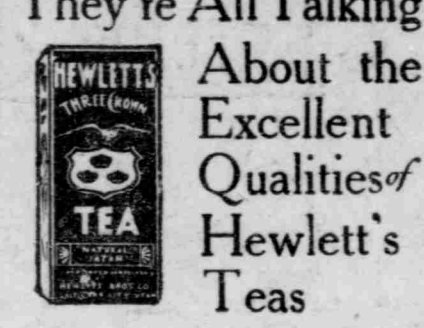
VISIT THE ROYAL GRILL ROOM, open from 4 to 12 p. m. Music every evening.

When you want good printing call on the Century Printing Co., Salt Lake's printers, 165-167 South West Temple St. Both phones, 604.

Wonder where? Why, Wandamere, of course! Fireworks! Fireworks! The evening of the 4th at Wandamere. "The People's Resort."

American Surety company of New York has removed its offices to suite 507, Security Trust building, 34 South Main street.

## They're All Talking About the Excellent Qualities of Hewlett's Teas



The tea with a delicious flavor, rich, full body and perfect aroma. The tea that makes the ideal beverage. Try it. BUY FROM YOUR GROCER. In red and gold cartons.

## VAPOR HEATING

Just heat that, in a nutshell, is THE VAPOR SYSTEM. No pressure, no water in pipes and radiators; no air valves; no noise; no bother; automatic in the control of the dampers.

Heat that can be regulated, TOO, AT THE RADIATOR—that's the big thing about Vapor, and heat without waste! Always plenty; never too much.

Phone us or drop us a postal, and a representative will call and give full information; can be installed in old houses as well as new. Let us make your home comfortable NOW, before the autumn rush.

## Carthey & Dumbuck

Modern Plumbing and House Heating. 219 State St. Both phones 92.

## 25 ounces for 25 cts.

## KC Baking Powder

The Surest and Purest That Money can Buy

## THAT DULL HEADACHE

Persistent, annoying headaches are frequently the result of eye strain. CORRECT your eyes and you will find relief in most cases. If subject to such ills, let us make free test of your eyes.

J. H. Knickerbocker, O. D. Practical Optician, 143 Main Street.

## AMUSEMENTS

The Orpheum Stock company has made a happy selection for Fourth of July week in "Cumberland, 61." The play thrills with patriotism from the opening at West Point to the death of the villain among the hills of Kentucky. Rebels and Yanks come and go across the stage in interesting style. The drama is unrolled, the typical southern feud plays an important part, especially as the leaders in the feud are played off by Mr. O'Meara in the part of an officer of the United States army and comes in at the critical moment to prove that he is an Indian by killing his father who has wronged him in many ways. There is action in every moment of the play; the drama is a good one—that does not depend upon the patriotic motive entirely for its success. The honors are conferred off by Mr. O'Meara in the part of Leslie Murdock, an army colonel. The character depicted is contemptible, but in it Mr. O'Meara does first-class work. He is given good opportunity, as he is much on the stage and right in the center a good part of the time. Roy Clements is pleased with his work as the young union soldier in love with a southern girl. Mr. Phillips is the hero of the play, the dashing cavalry officer, who foils Murdock and finally carries off the heroine. He has not a heavy part, but it is a pleasing one and fits the handsome young actor to a degree. Miss Moore is well cast in the part of Alice, the daughter of the old rebel, who is married against her will by the death of Murdock at the hands of his half Indian son.

The play is well worth a look at the spots last evening, due to a lack of rehearsals. Mr. Miles was guilty of many offenses in the way of stumbling over his lines, which was a surprise to the audience. Zelby Roach is completely smooth. Mr. Greene has a good part and does his work well. Miss Moore is also sprightly and conscientious in her work. "Cumberland, 61" will please most of the patrons of the Orpheum.

The Steckelberg-Stevens concert at the Salt Lake theatre last night was thoroughly enjoyed by those who were fortunate enough to hear it. It is unfortunate, indeed, that these musicians, a violinist and a pianist whose talent amounts to genius, should have been here on the hottest night of the season, a night when only the most enthusiastic and the most appreciative music lovers cared to venture into a theatre. The demonstration at the close of each number on the splendid program was splendidly spontaneous, showing a marked appreciation of the music. Mr. Steckelberg is a violinist of rare strength. His numbers left nothing to be desired. And the same thing is true of Mr. Stevens, the pianist. A good many Salt Lake residents will realize today, too late, that they missed one of the most meritorious musical events of the season.

Before the close of the present week, the Deseret News building will be almost entirely occupied by the general offices of the Deseret News. The tenants are out of the building, with the exception of the editorial department of the Deseret News, and the building is being turned over to the officials of the railroad.

Departments and offices are to be changed all over the building. The probability of the offices of General Manager Bancroft, General Superintendent Buckingham, General Freight Agent Reeves and Assistant General Passenger Agent Spencer, with other offices of department heads, will be moved to the second floor of the building. The complete changes will be announced later.

GOES TO EUROPE.

Newhouse Leaves for New York, to Sail on the 9th.

Samuel Newhouse has left Salt Lake for a two months' trip to Europe on business and pleasure, though principally the latter.

He will sail from New York on the 9th inst., and will go direct to his new London residence, occupied at present by the Newhouse family. The millionaire has been overworked lately and he goes abroad for a rest.

CREST MEN TO BANQUET.

Will Hold Love Feast at Commercial Club Tonight.

The directors of the Utah Association of Credit Men will banquet at the Commercial club this evening and later attend a theater party at the Orpheum.

The directors decided that it is expedient to discuss plans for entertaining the next annual convention of the National Association of Credit Men, which meets here next year.

The nicest place to spend the Fourth is Wandamere. Take the children and grown-ups. All like to see Fireworks.

July Fourth.

Reduced rates via Oregon Short Line. Tickets on sale 3 and 4, limited to July 6. See agents. City Ticket Office, 201 Main street.

Removal Notice.

M. Thomas, attorney, has removed his office to suite 507, Security Trust building, 34 South Main street.

You get more for your money at Wandamere than at any other resort. Who says so? Everybody.

For the best printing call on the Century Printing Co., Salt Lake's printers, 165-167 South West Temple St. Both phones, 604.

Cluett SHIRTS

BEST FABRICS, PERFECT FIT, LONG WEAR, WHITE AND FANCY PATTERNS.

ASK FOR CLUETT SHIRTS. LOOK FOR CLUETT LABEL. CLUETT, PEABODY & CO. MAKERS OF QUALITY COLLARS.

ESTABLISHED 1864

ONE PRICE TO ALL NEVER UNDER SOLD

Extra Special in Women's Waists For the Fourth!

TAKE ADVANTAGE OF THE SAVINGS. THEY WILL HELP ON THE OUTING. NOTE THESE PRICES.

\$1.00 SHIRT WAISTS, 45c—A lot of 20 dozen waists, of white sheer lawn and colored dainty; some button in front with long sleeves; all specially priced at 45c.

\$1.75 LAWN WAISTS, 93c—In this lot you'll find an assortment of 300 waists, many new styles and patterns, all elaborately trimmed; waists worth \$1.75 made at 93c.

\$2.95 JAP SILK WAISTS, \$1.85—Handsome waists of good quality Jap silk, neatly trimmed with lace insertion, short elbow sleeves, cuffs and collar edged with lace, at \$1.85.

\$3.50 LINGERIE WAISTS, \$2.25—Made up with a small pointed all-over tucked and medallion trimmed yoke, short sleeves, lace trimmed, \$2.25.

\$4.00 JAP SILK WAISTS, \$2.55—A variety of 10 dozen new up-to-date Jap silk waists, in white or black, front elaborately trimmed with dainty lace, collars and cuffs tucked, \$2.55.

\$1.00 SILK JUMPERS, \$2.55—Very practical and dressy, taffeta silk jumpers, in navy, brown or black; can be worn over any waist; \$2.55.

\$5.00 LINGERIE WAISTS, \$3.35—Made with graduate cluster tucks and elbow lace insertion, short sleeves, cuffs and collar edged with lace; extra special at \$3.35.

\$6.00 NOVELTY WAISTS, \$4.25—At this popular price you'll find a great assortment of fine drape waists, made in all the latest fashions and designs; waists sold regularly at \$6.00.

\$7.50 and \$9.00 DRESS WAISTS, \$5.00—Very handsome crown tucked yoke effect lawn waists, trimmed with German Val lace insertion, all over lace collar and cuffs; very beautiful \$5.00.

\$10.00 ALL OVER EMBROIDERED WAISTS, \$6.75—Cotton in tan, white or black, very handsome design collar and cuffs finished with ruffling, lined throughout with Jap silk; sizes 34 to 44; on sale while they last, \$6.75.

## ESTABLISHED 1864 Fisher & Bro. ONE PRICE TO ALL NEVER UNDER SOLD

## Extra Special in Women's Waists For the Fourth!

TAKE ADVANTAGE OF THE SAVINGS. THEY WILL HELP ON THE OUTING. NOTE THESE PRICES.



\$1.00 SHIRT WAISTS, 45c—A lot of 20 dozen waists, of white sheer lawn and colored dainty; some button in front with long sleeves; all specially priced at 45c.

\$1.75 LAWN WAISTS, 93c—In this lot you'll find an assortment of 300 waists, many new styles and patterns, all elaborately trimmed; waists worth \$1.75 made at 93c.

\$2.95 JAP SILK WAISTS, \$1.85—Handsome waists of good quality Jap silk, neatly trimmed with lace insertion, short elbow sleeves, cuffs and collar edged with lace, at \$1.85.

\$3.50 LINGERIE WAISTS, \$2.25—Made up with a small pointed all-over tucked and medallion trimmed yoke, short sleeves, lace trimmed, \$2.25.

\$4.00 JAP SILK WAISTS, \$2.55—A variety of 10 dozen new up-to-date Jap silk waists, in white or black, front elaborately trimmed with dainty lace, collars and cuffs tucked, \$2.55.

\$1.00 SILK JUMPERS, \$2.55—Very practical and dressy, taffeta silk jumpers, in navy, brown or black; can be worn over any waist; \$2.55.

\$5.00 LINGERIE WAISTS, \$3.35—Made with graduate cluster tucks and elbow lace insertion, short sleeves, cuffs and collar edged with lace; extra special at \$3.35.

\$6.00 NOVELTY WAISTS, \$4.25—At this popular price you'll find a great assortment of fine drape waists, made in all the latest fashions and designs; waists sold regularly at \$6.00.

\$7.50 and \$9.00 DRESS WAISTS, \$5.00—Very handsome crown tucked yoke effect lawn waists, trimmed with German Val lace insertion, all over lace collar and cuffs; very beautiful \$5.00.

\$10.00 ALL OVER EMBROIDERED WAISTS, \$6.75—Cotton in tan, white or black, very handsome design collar and cuffs finished with ruffling, lined throughout with Jap silk; sizes 34 to 44; on sale while they last, \$6.75.

ESTABLISHED 1864